

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND MONTEZELLO,

Plaintiff,

v.

PESCE, et al.,

Defendants.

No. 2:21-cv-00906-DJC-EFB (PC)

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 4, 2023, the Magistrate Judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's December 14, 2022 motion for partial summary judgment (ECF No. 34) is DENIED; and

2. Defendants' March 6, 2023 motion for summary judgment (ECF No. 40) is GRANTED as to Plaintiff's claims against defendant Pesce for negligent infliction of emotional distress and intentional infliction of emotional distress and otherwise DENIED.

IT IS SO ORDERED.

Dated: January 11, 2024


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE